

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

January 11, 2006
9:00 a.m.

Members present: Councilors Bradley, Butler, Densberger, DiMarzio, Frost, Ingham, Lyons, Patenaude and Varotsis

Members absent: Councilors Bridges, Barrett, Cowan, Dupee, Glines, Lussier and Phillips

Wayne DiMarzio, Vice Chairman, called the meeting to order at 9:00 a.m.

1. Approval of Minutes of December 14, 2005 Meeting

A motion was made by Councilor Varotsis to accept the minutes of the December 14, 2005 meeting as presented. The motion was seconded by Councilor Bradley and unanimously voted.

2. Approval of State Aid Grants

Steve Snell of the Wastewater Engineering Bureau requested approval of three state aid grants as set forth in a memo from Bureau Administrator John R. Bush, P.E. to Harry T. Stewart, P.E., Director, Water Division dated December 22, 2005.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Butler seconded the motion and it was unanimously voted.

WHEREAS, The following municipalities have applied to the Department of Environmental Services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Derry	C-707	Scenic Drive Interceptor	\$ 118,760
Durham	C-708	Wastewater Treatment Plant Imp.	1,395,514
Londonderry	C-709	Mammoth Road Interceptor	948,106

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contributions; and

WHEREAS, The Water Council finds that said projects are intended to control or reduce pollution in the surface waters of the State as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services as provided for in said Chapter.

3. **Status of Appeals**

Michael Sclafani distributed an Appeals Status Report and reviewed pending appeals with the council.

- **Docket No. 03-10 WC - Appeal of Conservation Law Foundation**
On November 9, 2005 the council voted to deny this appeal. The written Decision & Order has not been issued.
- **Docket No. 03-14 WC - Appeal of Gerald A. Bell**
A stay remains in effect on this appeal pending the resolution of a declaratory judgment action before the Merrimack County Superior Court.
- **Docket No. 04-05 WC - Appeal of Freudenberg-NOK General Partnership**
A consented-to stay remains in effect on this appeal pending a ruling by the Grafton County Superior Court on the state's petition for declaratory judgment.
- **Docket No. 04-18 WC - Appeal of Thaddeus Dymon**
A stay remains in effect pending the resolution of a boundary line dispute in Sullivan County Superior Court.
- **Docket No. 04-19 WC - Appeal of Town of Newport**
See Docket No. 04-18 above.
- **Docket No. 05-16 WC - Appeal of Pollard Realty Trust**
An appeal hearing is scheduled for February 8, 2006 at 10:00 a.m.
- **Docket No. 05-17 WC - Appeal of Daniel Osborn**
On December 14, 2005, the council voted to grant DES' Motion to Recuse Vice Chairman F. Wayne DiMarzio and a written Decision & Order was issued on December 21, 2005. An appeal hearing is scheduled for March 8, 2006.
- **Docket No. 05-21 WC - Appeal of Save Our Groundwater**
On December 14, 2005, the council voted to table this appeal pending advice from legal counsel. The parties were notified of the vote by letter on December 21, 2005.
- **Docket No. 05-22 WC - Appeal of Town of Nottingham**
On December 14, 2005, the council voted to table this appeal pending advice from legal counsel. The parties were notified of the vote by letter on December 21, 2005.

*9:10 Councilor Densberger arrived

4. Legislative Update

Harry T. Stewart, P.E., Water Division Director, discussed the status of pending water-related legislation.

* 9:30 Johanna Lyons arrived

5. Other Business

Ben Frost advised that this will be his last Water Council meeting since he will be leaving OE&P and going to New Hampshire Housing Finance Authority as Program Coordinator for the statewide Housing Awareness Project. Vice Chairman DiMarzio thanked Mr. Frost for his contributions to the Water Council.

6. Next Meeting

The next meeting will be held on February 8, 2006.

7. Adjournment

A motion was made by Councilor Bradley to adjourn. The motion was seconded by Councilor Varotsis and unanimously voted.

The meeting adjourned at approximately 10:00 a.m.